The opinion in support of the decision being entered today is <u>not</u> binding precedent of the Board.

Paper 16

Filed by: Trial Section Merits Panel

Box Interference

Washington, D.C. 20231 Tel: 703-308-9797 Fax: 703-305-0942 Filed: May 2, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

IZUMU SAITO, YUMI KANEGAE and MICHIO NAKAI

Junior Party, Patent 5,700,470 MAILED

MAY 2 - 2002

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

JEAN-LUC IMLER, MAJID MEHTALI and ANDREA PAVIRANI

> Senior Party Application 09/218,143

Patent Interference No. 104,820 (CAS)

Before: SCHAFER, TORCZON and SPIEGEL, <u>Administrative Patent Judges</u>. SPIEGEL, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662(a)

"Pursuant to 37 C.F.R. § 1.662(a), the party Saito hereby abandons the contest as to Count 1 and claims 1-6 corresponding thereto" (Paper 15). Therefore, it is

ORDERED that judgment on priority as to Count 1 (Paper 1, p. 5), the sole count in the interference, is awarded against junior party IZUMU SAITO, YUMI KANEGAE and MICHIO NAKAI;

FURTHER ORDERED that junior party IZUMU SAITO, YUMI KANEGAE and MICHIO NAKAI is not entitled to a patent containing claims 1-6 (corresponding to Count 1) of Saito U.S. Patent 5,700,470, issued December 23, 1997, based on application 08/615,048, filed March 12, 1996;

FURTHER ORDERED that a copy of this paper shall be made of record in files of U.S. Patent 5,700,470 and U.S. application 09/218,143;

FURTHER ORDERED that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661; and

FURTHER ORDERED that the telephone conference call scheduled for May 9, 2002 is cancelled.

RICHARD E. SCHAFER Administrative Patent Judge

11/12/50

Administrative Patent Juage

BOARD OF PATENT APPEALS AND INTERFERENCES

CAROL A. SPIEGEL

Administrative Patent Judge

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